



Montana Fish, Wildlife & Parks

NOTICE OF DECISION

March 22, 2006

PO Box 1630
Miles City, Mt. 59301

Dear Ladies and Gentlemen:

The attached decision notice approves the Hell Creek State Park marina building reconstruction outlined in a February 2006 Environmental Assessment.

DESCRIPTION OF THE PROPOSED PROJECT

Project will reconstruct and expand the main concession building, construct a sea wall into the emergency flood pool area of the reservoir in order to accommodate the larger building without reducing size of the existing parking area, and enlarge and relocate the parking area.

PUBLIC PROCESS AND COMMENT

Public notification of the availability of an Draft Environmental Assessment (EA) evaluating this proposed action was published in local and statewide newspapers, on the FWP website, and several radio spots advertised the availability of the EA. In addition, copies of the Draft EA were distributed to interested individuals, organizations and county, state and federal agencies. The public was given the opportunity to comment on the proposed project, because this is a development project within a state park (Montana Code Annotated MCA 23-1-110).

The public comment period began February 8, 2006 and ran through March 10, 2006. Nineteen comments were received, all in favor of the concession reconstruction. One question arose in these comments, which we have addressed below to clarify the project.

Comment: Why is the engineering, construction and maintenance of the seawall the responsibility of the concessionaire? ***FWP Response:*** *The concession operation is a private enterprise operating within Hell Creek State Park via concession contract with the State of Montana. The seawalls have been proposed by the private concession operator as a construction effort he will be undertaking to improve his private concession business. FWP does not require the seawall structure be installed, either as a requirement of the existing concession contract or as a condition of the concession facility reconstruction efforts currently proposed to the Department.*

ADDITIONAL INFORMATION

Additional information was obtained after the release of the Draft EA that contributes to the project analysis.

The Montana Historical Society, State Historic Preservation Office (SHPO) conducted a file search for cultural and archeological sites in the area. The SHPO concurs with FWP that past cultural surveys in the area indicate that the proposed project would have a low likelihood of impacting cultural properties

Montana Fish, Wildlife and Parks Wildlife Manager, John Ensign, was questioned regarding Threatened and Endangered Species utilization of the project area. Records indicate that no T & E species utilize the project area.

The U.S. Army Corps of Engineers, landowners of the project site, concur with SHPO findings. FWP also wishes to clarify that the project land base is owned by the U.S. Army Corps of Engineers, who leases it to FWP. FWP sublets the land to the Concessionaires and the Concessionaires own the related buildings, but not the land.

The Montana Department of Commerce reviewed the project and its potential impact on tourism as per FWP requirements (MCA 23-1-110). The Department of Commerce anticipates that the project would improve both the quality and quantity of recreation/tourism opportunities.

DECISION

Based on the analysis in the Draft EA, public comments, additional information, and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore an Environmental Impact Statement will not be prepared.

It is my decision to implement the proposed action, and proceed with the Hell Creek Marina Reconstruction project as identified in the EA. No comments opposed the proposed project; therefore, an appeal period is not applicable. The project should begin as soon as the concessionaire receives all required permits and related building approvals.

There are no modifications to the Draft EA. The Draft EA, together with the Decision Notice, will serve as the final document for this proposal.

The EA and Decision Notice may be viewed at or obtained from Montana Fish, Wildlife and Parks at the above address or online at: <http://fwp.mt.gov/publicnotices/>

Please direct any further requests or questions to Bryce Christensen, Regional Supervisor, at the address above, (406) 234-0900 or bchristensen@mt.gov.



Bryce Christensen
Regional Supervisor